

REMARKS

Claims 1, 3, 5-8, 10-15 and 17-22 are pending in the above-identified Application. Claims 1, 3, 8 and 15 are amended herein. Claims 7 and 18 are cancelled and claims 23 and 24 are added. Thus, claims 1, 3, 5, 6, 8, 10-15, 17 and 19-24 are presented for further consideration.

Applicant acknowledges that the Technical Center Director has approved reopening prosecution of the Application after the Board of Appeals Decision dated June 22, 2004 as set forth in the telephone interview between Applicant's representative Donald J. MacDonald and Supervisory Patent Examiner Jack Lavinder of September 27, 2004.

The Examiner has objected to amended Figure 2 filed on June 13, 2002 with respect to the dimensions of the toroidal springs 62 identified therein. An amended Figure 2 is submitted herewith on the attached replacement sheet. Figure 2 is amended herein to correct the dimension lines identifying each of the inner and outer diameters of the toroidal ring 62 shown therein. Accordingly, the Examiner's objection to Figure 2 should be withdrawn.

Claims 15, 19 and 20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. No. 4,566,678 to Anderson (hereinafter referred to as "Anderson"). The rejection is traversed following.

Anderson discloses a method of making useful hollow bodies from a block of thermoplastic elastomer material having a selected initial axial height and an axial core opening. The method includes applying an axial force to the block sufficient to compress the block a substantial extent to reduce the free height of the block and expand the axial core opening transversely outwardly for defining sidewalls of the hollow elastomer body to be produced. The axial force is then removed, and the resulting hollow elastomer body is prepared for use as a compression spring or other useful device. (Anderson, abstract, p. 1). Anderson further discloses that the shape of the hollow elastomer body produced in accordance with the Anderson method, can be cylindrical, oval, generally rectangular, or square in configuration. (Anderson, col. 2, ll. 36-37).

Anderson does not disclose a compression spring in the shape of a torus as recited in amended claim 15. Further, the method of manufacturing the compression springs of Anderson includes compressing elastomer blocks using compression jigs such as the plates P in Figure 3 and the jaws J shown in Figure 5 of

Anderson. (Anderson, col. 4, ll. 20-24; col. 5, l. 66 - col. 6, l. 15). The compression jigs disclosed in Anderson are not capable of producing a torus shaped compression spring as recited in amended claim 15.

To support an anticipation rejection under 35 U.S.C. § 102 each and every element or limitation in the rejected claim must be disclosed in a single prior art reference used in the claim rejection. Because Anderson does not disclose a compression spring in the shape of a torus, Anderson does not teach each and every element or limitation recited in amended claim 15. Therefore, it cannot be maintained that amended claim 15 is anticipated by Anderson. Moreover, because claims 19 and 20 each depend either directly or indirectly from and thereby incorporate the limitations of claim 15, these dependent claims are likewise deemed not anticipated by Anderson for at least the reasons set forth for claim 15.

Claims 1, 3, 5-8, 10-14, 17 and 18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anderson in view of U.S. Patent No. 4,465,799 to Platkiewicz et al. (hereinafter referred to as "Platkiewicz"), in view of U.S. Patent No. 5,036,774 to Curtis et al. (hereinafter referred to as "Curtis") and in view of U.S. Patent No. 5,086,707 to Spencer et al. (hereinafter referred to as "Spencer").

To establish a prima facie case of obviousness for a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claims 7 and 18 are cancelled herein. With respect to the section 103 rejection of claims 1, 3, 5, 6, 8, 10-14, and 17, Anderson is cited as the primary reference wherein the Examiner has allegedly identified all of the elements of claim 1 except for at least one slip lining positioned between said first housing exterior surface and a bore wall defining said second housing bore.

Similar to claim 15, claim 1 is amended herein to include that the compression spring has a torus shape. Accordingly, for at least the reasons set forth above with respect to claim 15, Anderson does not teach or suggest all of the limitations of claim 1 as amended herein except for the slip lining. Therefore, the Examiner has not established that Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer, teach or suggest each and every element of amended claim 1.

Accordingly, for at least the above-identified reasons, amended claim 1 is not obvious under 35 U.S.C. § 103(a) over Anderson in view of Platkiewicz, in view of

Curtis, and in view of Spencer, and the rejection of amended claim 1 should be withdrawn.

Claims 3, 5, 6, 8, 10-14 and 17 depend either directly or indirectly from claim 1 and also recite additional limitations. Since claim 1 is not obvious over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer for at least the above-identified reasons, dependent claims 3, 5, 6, 8, 10-14, and 17 are also not obvious over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer. Therefore, the rejection of claims 3, 5, 6, 8, 10-14 and 17 under 35 U.S.C. § 103(a) should also be withdrawn.

Claims 21 and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer.

Claims 21 and 22 depend either directly or indirectly from amended claim 15 and also recite additional limitations. Since amended claim 15 is not obvious over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer for at least the above-identified reasons, dependent claims 21 and 22 are also not obvious over Anderson in view of Platkiewicz, in view of Curtis, and in view of Spencer. Therefore, the rejection of claims 21 and 22 under 35 U.S.C. § 103(a) should also be withdrawn.

In view of the foregoing, it is respectfully submitted that claims 1, 3, 5, 6, 8, 10-15, 17, and 19-22 are allowable.

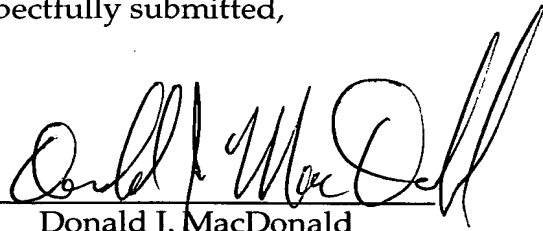
Additionally, new claims 23 and 24 depend from amended claims 1 and 15 respectively, and also include additional limitations. As amended claims 1 and 15 are deemed allowable for at least the above-identified reasons, claims 23 and 24 should also be allowable.

All issues raised by the Examiner having been addressed herein, it is respectfully requested that claims 1, 3, 5, 6, 8, 10-15, 17, and 19-24 are passed to issue.

No fees or deficiencies in fees are believed to be owed. However authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Donald J. MacDonald", written over a horizontal line.

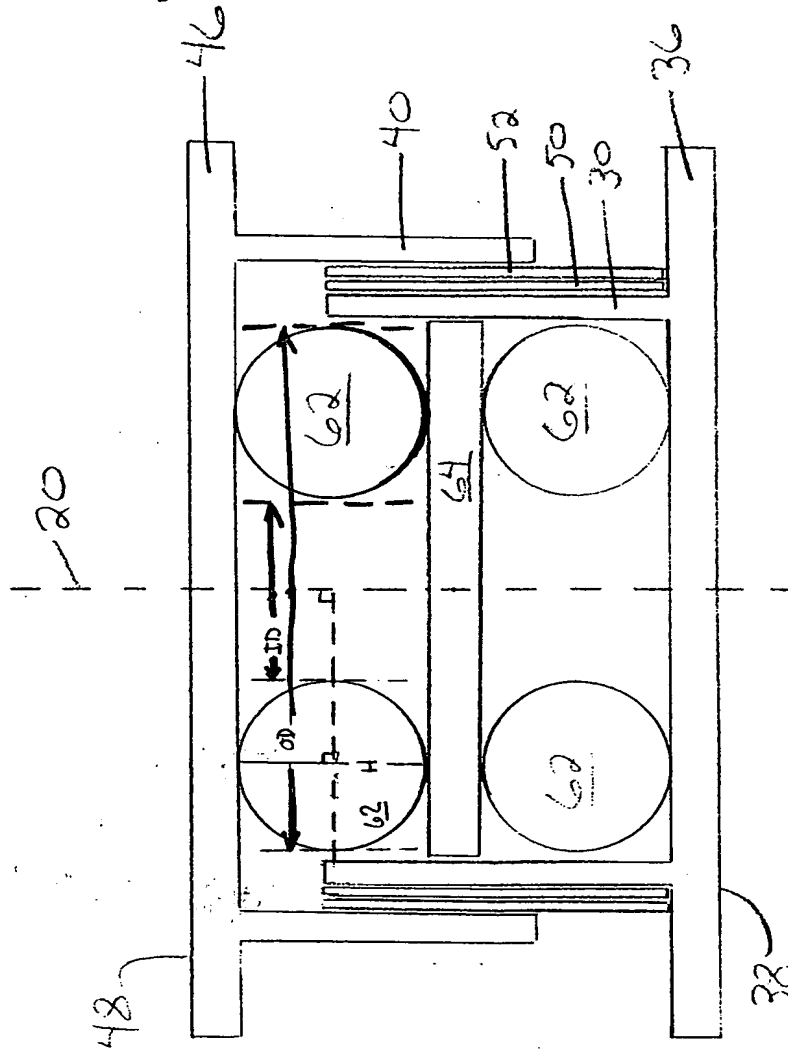
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Applicant: Richard L. Palinkas
Serial Number: 09/407,053
Attorney Docket Number: 6350-05
1 of 1



Replacement Sheet



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